

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	12cr144 (DLC)
	:	
CHRISTIAN SANTIAGO,	:	
	:	<u>ORDER</u>
Defendant.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

Christian Santiago has moved for compassionate release pursuant to Title 18, United States Code, Section 3582(c)(1)(a). On August 6, 2013, Santiago pleaded guilty to a single count of failing to register as a sex offender, in violation of Title 18, United States Code, Section 2250. Santiago was sentenced to 30 months' imprisonment on November 8, 2013, to run consecutively to a Connecticut state prison sentence imposed for a conviction of sexually assaulting a minor. He is now serving his federal sentence at Federal Correctional Institution-Cumberland ("FCI-Cumberland"). He is thirty-eight years old, and the Bureau of Prisons ("BOP") projects his release date as April 7, 2022.

Santiago made an administrative request for compassionate release on February 12, 2021, which was denied by his warden on March 9. Santiago then moved for compassionate release.¹

¹ Santiago's motion is not dated, but it was received and docketed by this Chambers on April 19, 2021.

Santiago exhausted his administrative remedies by unsuccessfully filing an administrative request for compassionate release. Therefore, the Court may reduce Santiago's sentence if it finds that "extraordinary and compelling reasons" warrant a reduction, 18 U.S.C. § 3582(c)(1)(A)(i). District courts may "independently . . . determine what reasons, for purposes of compassionate release, are extraordinary and compelling." United States v. Brooker, 976 F.3d 228, 234 (2d Cir. 2020) (citation omitted). If the Court concludes that Santiago has presented "extraordinary and compelling reasons", the Court must then find that the sentencing factors set forth at 18 U.S.C. § 3553(a) support compassionate release before reducing Santiago's sentence.

Santiago's motion is denied. As an initial matter, he has not presented an extraordinary and compelling reason for compassionate release. Santiago's motion for compassionate release is premised on the COVID-19 pandemic and several underlying health conditions that Santiago contends increase his risk for contracting severe COVID-19. But Santiago acknowledges in his submission that he has already contracted and recovered from COVID-19. The BOP has also provided a significant number of COVID-19 vaccines to inmates at FCI-Cumberland and its other facilities, further reducing the risk that Santiago will contract severe COVID-19. See COVID-19 Vaccine Implementation,


Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited April 21, 2021). Therefore, Santiago's health situation does not constitute an extraordinary and compelling circumstance meriting compassionate release.

Even if Santiago had demonstrated extraordinary and compelling circumstances, the § 3553(a) factors would weigh strongly against his release. Santiago has a lengthy criminal history, including multiple convictions for sexually assaulting minors. His current conviction stems from an attempt to evade prosecution in Connecticut for a serious sexual crime. The Court nevertheless imposed a sentence at the bottom of the Sentencing Guidelines range. Further reduction is not merited. Accordingly, it is hereby

ORDERED that Santiago's motion for compassionate release pursuant to § 3582(c)(1)(A) is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mail Santiago a copy of this Order and note mailing on the docket.

Dated: New York, New York
April 22, 2021



DENISE COTE
United States District Judge

